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March 27, 2015

Via E-mail and U.S. Mail

Margaret Herring
Civil Investigator
U.S. Environmental Protection Agency, Region 5
Superfund Division
Enforcement and Compliance Assurance Branch (SE-5J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Re: South Dayton Dump and Landfill Superfund Site, Moraine, Ohio
First Response to EPA Request for Information

Dear Ms. Herring:

On behalf of Coca-Cola Refreshments USA, Inc. ("CCR"), I am responding to the request for information included with the Special Notice Letter dated January 16, 2015. Mr. Thomas Nash of USEPA granted respondents a 30-day extension of time to respond to the Special Notice Letter. In email correspondence dated March 19, 2015, Mr. Nash further granted the request of CCR to first respond with respect to the former Dayton Coca-Cola Bottling Company plant by March 27, 2015, and to respond with respect to other Coca-Cola facilities by April 17, 2015. Accordingly, I am submitting the enclosed First Response concerning the former Dayton plant, and will submit a second response by April 17.

Sincerely,



Leah J. Knowlton

Enclosure

cc: Elizabeth T. Irvin, Esq.

**First Response of Coca-Cola Refreshments USA, Inc. to
EPA Request for Information Pursuant to 42 U.S.C. § 9604**

The following constitutes the first response of Coca-Cola Refreshments USA, Inc. ("CCR") to the request for information from EPA, dated January 16, 2015, pursuant to 42 U.S.C. § 9604 concerning the South Dayton Dump and Landfill Site in Moraine, Ohio (the "Request"). The Request was received by CCR on or about January 23, 2015.

General Clarifications, Limitations and Objections

This Response is made subject to the following general clarifications, limitations and objections.

1. In a conference with respondents' counsel on February 10, 2015, Tom Nash of USEPA agreed to limit the date range for responses to 1941 - 1996, which EPA contends is the period in which the South Dayton Dump and Landfill ("SDDL") operated. Mr. Nash further agreed to limit the geographical range of responses to a 50-mile radius from the SDDL Site.

2. Although Mr. Nash agreed to so limit the Request, CCR objects that the Request is overly broad, unduly burdensome and seeks information that is irrelevant, not related to the SDDL Site and is beyond the scope of inquiry authorized by 42 U.S.C. § 9604.

3. Within the relevant time period, 1941 – 1996, the former Dayton Coca-Cola Bottling Company was subject to numerous corporate sales and merger transactions, as reflected in documents marked CCR000001 – 000019.

4. The former Dayton Coca-Cola Bottling Company operated at Xenia Avenue, Dayton, Ohio until 1954, and then at 901 South Ludlow Ave., Dayton, Ohio after 1954.

5. In 1982, the former Dayton Coca-Cola Bottling Company ceased bottling operations at its plant located at 901 South Ludlow Ave., Dayton, Ohio, and that building came to be used as a distribution and sales center until the property was sold in 2001.

6. The Coca-Cola Company acquired the separate, publicly traded company Coca-Cola Enterprises, Inc. ("CCE") in 2010, and changed the name of CCE to Coca-Cola Refreshments USA, Inc.

7. As a result of the various corporate transactions and the 2001 sale of the property at 901 South Ludlow Avenue, Dayton, Ohio, CCR has been unable to locate responsive documents relating to historical operations at this property in the time period of 1941 – 1996.

8. CCR's investigation is continuing, and it reserves the right to supplement, revise, correct, modify or otherwise amend the responses herein.

Responses to EPA Requests

1. Identify all persons consulted in the preparation of the answers to these questions.

Elizabeth T. Irvin, Environmental Health & Safety Counsel, The Coca-Cola Company

Campbell Irving, Environmental Counsel, The Coca-Cola Company

2. Identify all documents consulted, examined or referred to in the preparation of the answers to these questions, and provide copies of all such documents.

CCR consulted and will provide copies of the following categories of documents:

a) records of corporate transactions [CCR000001 – 000019]; b) a booklet entitled "The Dayton Coca-Cola Bottling Company Presents a Tour of the Plant" [CCR000020 – 000041]; c) a 2012 General Notice Letter from U.S. EPA and related correspondence [CCR000042 – 000105]; d) documents received from Safety-Kleen Corp. in response to subpoena [CCR000106 – 000145,

000150]; and e) EPA's response to a FOIA request and related correspondence [CCR000146 – 000149, 000151 – 000152].

3. *If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons. Provide their current, or last known, address, telephone numbers, and e-mail address.*

With respect to the former Dayton Coca-Cola Bottling Company plant, CCR has not identified any information responsive to this request.

4. *Provide names, addresses, telephone numbers, and e-mail addresses of any individuals, including former and current employees, who may be knowledgeable about Respondent's operations and hazardous substances handling, storage and disposal practices.*

Current employees Mike Allen, Brian Stuckey and Dwayne Hanson, and former employees Bill DeBoard and Earl Reeder, Jr. Please note that contact with current and former employees should be made through counsel.

5. *State the date(s) on which the Respondent sent, brought or moved drums and/or hazardous substances to the South Dayton Dump and Landfill (SDDL) Site and the names, addresses, telephone numbers, and e-mail addresses of the person(s) making arrangements for the drums and/or hazardous substances to be sent, brought or moved to the SDDL Site.*

After diligent investigation, CCR has identified no information concerning any disposal of hazardous substances by the Dayton Coca-Cola Bottling Company or any corporate affiliate of CCR at the SDDL Site.

6. *Did Respondent haul or send materials to SDDL in vehicles it owned, leased or operated? If yes, during what time periods did this occur? If no, how did Respondent transport materials to SDDL? Identify the hauler(s) and provide the addresses, telephone numbers, and e-mail addresses of these entities.*

After diligent investigation, CCR has identified no information that the Dayton Coca-Cola Bottling Company or any corporate affiliate of CCR hauled or sent any materials to the SDDL.

PERMITS/REGISTRATIONS

7. *List all federal, state and local permits and/or registrations and their respective permit numbers issued to Respondent for the transport and/or disposal of materials.*

With respect to the former Dayton Coca-Cola Bottling Company plant, CCR has not identified any documents or information responsive to this request.

8. *Which shipments or arrangements were sent under each permit? If what happened to the hazardous substances differed from what was specified in the permit, please state, to the best of your knowledge, the basis or reasons for such difference.*

With respect to the former Dayton Coca-Cola Bottling Company plant, CCR has not identified any documents or information responsive to this request.

9. *Were all hazardous substances transported by licensed carriers to hazardous waste Treatment Storage and Disposal Facilities permitted by the U.S. EPA?*

With respect to the former Dayton Coca-Cola Bottling Company plant, CCR has not identified any documents or information responsive to this request.

10. *List all federal, state and local permits and/or registrations and their respective permit numbers issued for the transport and/or disposal of wastes.*

With respect to the former Dayton Coca-Cola Bottling Company plant, CCR has not identified any documents or information responsive to this request.

11. *Does your company or business have a permit or permits issued under Resource Conservation and Recovery Act? Does it have or has it ever had a permit or permits under the hazardous substance laws of the State of Ohio? Does your company or business have an EPA Identification Number, or an identification number supplied by the State Environmental Protection Agency? Supply any such identification number(s) your company or business has.*

With respect to the former Dayton Coca-Cola Bottling Company plant, CCR has not identified any documents or information responsive to this request, except a listing on EPA's ECHO database. The ECHO database currently shows the following facility ID and RCRA permit number for the former Dayton Coca-Cola Bottling Company plant,¹ although that company ceased operating in about 1982, and the facility was sold in 2001.

Dayton Coca-Cola Bottling Company
901 Ludlow Street
Dayton, OH 45402
EPA Registry ID: 110004631596
RCRA-OHD103556502
Owner: Johnston Coca-Cola Group

- 12. Identify whether Respondent ever filed a Notification of Hazardous Waste Activity with the EPA or the corresponding agency or official of the State of Ohio, the date of such filing, the wastes described in such notice, the quantity thereof described in such notice, and the identification number assigned to such facility by EPA or the state agency or official.*

With respect to the former Dayton Coca-Cola Bottling Company plant, CCR has not identified any documents or information responsive to this request.

RESPONDENT'S DISPOSAL/ TREATMENT/ STORAGE/ RECYCLING/ SALE OF WASTE (INCLUDING BY-PRODUCTS)

- 13. Identify all individuals who currently have and those who have had responsibility for Respondent's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes). Also provide each individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management. For each individual identified in response to this question provide the current or most recent known address, telephone number and e-mail address.*

With respect to the former Dayton Coca-Cola Bottling Company plant, CCR has not identified any documents or information responsive to this request.

¹ See <http://echo.epa.gov/detailed-facility-report?fid=110004631596> (last accessed March 17, 2015).

14. Describe the containers used to take any type of waste from Respondent's operation, including but not limited to:

- a. the type of container (e.g. 55 gal. drum, dumpster, etc.);*
- b. the colors of the containers;*
- c. any distinctive stripes or other markings on those containers;*
- d. any labels or writing on those containers (including the content of those labels);*
- e. whether those containers were new or used; and*
- f. if those containers were used, a description of the prior use of the containers.*

On information and belief, trash dumpsters owned by Waste Management Inc. ("WMI") were located in the parking area of the Dayton plant and were emptied by WMI on a weekly basis. Recycling bins were located inside the plant for the collection of bottles, cardboard, pallets and other materials that were taken to recycling centers. For some period of time, until approximately the late 1980's, drums of waste antifreeze, oil and grease were sent on Coca-Cola delivery trucks returning to the Cincinnati Coca-Cola Bottling plant for disposal. On information and belief, small black drums of muriatic acid were delivered to the former Dayton Coca-Cola Bottling Company plant by a company (name unknown) that required a deposit for the drums, and that company would pick up the empty drums when they delivered new ones. After diligent investigation, CCR has not identified any other documents or information responsive to this request.

15. For any type of waste describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling. Provide copies of all documents relating to the transportation or disposal of said waste, including correspondence and manifests. Include all correspondence and records of communication between Respondent and Cyril Grillot, Kenneth Grillot, Alcine Grillot, or Horace Boesch, Sr.

See response to Questions 14 and 16. CCR will provide copies of Safety-Kleen documents [CCR000106 – 000145, 000150] in response to this request. After diligent

investigation, CCR has not identified any other documents or information responsive to this request.

16. Provide copies of such contracts and other documents reflecting such agreements or arrangements.

g. [Sic] State where Respondent sent each type of its waste for disposal, treatment, or recycling.

h. Identify all entities and individuals who picked up waste from Respondent or who otherwise transported the waste away from Respondent's operations (these companies and individuals shall be called "Waste Carriers" for purposes of this Information Request).

i. If Respondent transported any of its wastes away from its operations, please so indicate and answer all questions related to "Waste Carriers" with reference to Respondent's actions.

j. For each type of waste specify which Waste Carrier picked it up.

k. For each type of waste, state how frequently each Waste Carrier picked up such waste.

l. For each type of waste state the volume picked up by each Waste Carrier (per week, month, or year).

m. For each type of waste state the dates (beginning & ending) such waste was picked up by each Waste Carrier.

n. Provide copies of all documents containing information responsive to the previous seven questions.

o. Describe the vehicles used by each Waste Carrier to haul away each type of waste including but not limited to:

i. the type of vehicle (e.g., flatbed truck, tanker truck, containerized dumpster truck, etc.);

ii. names or markings on the vehicles; and

iii. the color of such vehicles.

j. [Sic] Identify all of each Waste Carrier's employees who collected Respondent's wastes.

k. Indicate the ultimate disposal/recycling/treatment location for each type of waste.

l. Provide all documents indicating the ultimate disposal/recycling/treatment location for each type of waste.

m. Describe how Respondent managed pickups of each waste, including but not limited to:

- i. the method for inventorying each type of waste;*
- ii. the method for requesting each type of waste to be picked up;*
- iii. the identity of (see Definitions) the waste carrier employee/agent contacted for pickup of each type of waste;*
- iv. the amount paid or the rate paid for the pickup of each type of waste;*
- v. the identity of (see Definitions) Respondent's employee who paid the bills; and*
- vi. the identity of (see Definitions) the individual (name or title) and company to whom Respondent sent the payment for pickup of each type of waste.*

n. Identify the individual or organization (i.e., the Respondent, the Waste Carrier, or, if neither, identify such other person) who selected the location where each of the Respondent's wastes were taken.

o. State the basis for and provide any documents supporting the answer to the previous question.

p. Describe all wastes disposed by Respondent into Respondent's drains including but not limited to:

- i. the nature and chemical composition of each type of waste;*
- ii. the dates on which those wastes were disposed;*
- iii. the approximate quantity of those wastes disposed by month and year;*
- iv. the location to which these wastes drained (e.g. on-site septic system, onsite storage tank, pre- treatment plant, Publicly Owned Treatment Works (POTW), etc.); and*
- v. whether and what pretreatment was provided.*

q. Identify any sewage authority or treatment works to which Respondent's waste was sent.

- On information and belief, trash was disposed in dumpsters owned by Waste Management Inc. ("WMI") that were located in the parking area of the Dayton plant and were emptied by WMI on a weekly basis.

- Recycling bins were located inside the plant for the collection of bottles, cardboard, pallets and other materials that were taken to recycling centers. Former employee Bill DeBoard delivered bottles, cardboard, pallets and other such materials to recycling centers in Dayton in a red truck that bore the name and logos of Coca-Cola.
- For some period of time, until approximately the late 1980's, drums of waste antifreeze, oil and grease were sent on Coca-Cola delivery trucks returning to the Cincinnati Coca-Cola Bottling plant for disposal. This procedure ceased prior to 1993 when Safety-Kleen began picking up waste at the Dayton plant.
- On information and belief, small black drums of muriatic acid were delivered to the Dayton plant by a company (name unknown) that required a deposit for the drums, and that company would pick up the empty drums when they delivered new ones. The use of muriatic acid ceased when the Dayton plant stopped bottling operations in about 1982.

After diligent investigation, CCR has not identified any other documents or information responsive to this request.

r. If not already provided, specify the dates and circumstances when Respondent's waste was taken to the SDDL Site, and identify the companies or individuals who brought Respondent's waste to the Site. Provide all documents which support or memorialize your response.

After diligent investigation, CCR has not identified any information concerning any waste taken from the former Dayton Coca-Cola Bottling Company plant to the SDDL Site.

RESPONDENT'S ENVIRONMENTAL REPORTING:

17. Provide all Resource Conservation and Recovery Act (RCRA) Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.

See response to question 11. With respect to the former Dayton Coca-Cola Bottling Company plant, CCR has not identified any documents or information responsive to this request.

18. Identify (see Definitions) all federal offices to which Respondent has sent or filed information about hazardous substance or hazardous waste.

With respect to the former Dayton Coca-Cola Bottling Company plant, CCR has not identified any documents or information responsive to this request.

19. State the years during which such information was sent/filed.

With respect to the former Dayton Coca-Cola Bottling Company plant, CCR has not identified any documents or information responsive to this request.

20. Identify (see Definitions) all state offices to which Respondent has sent or filed hazardous substance or hazardous waste information.

With respect to the former Dayton Coca-Cola Bottling Company plant, CCR has not identified any documents or information responsive to this request.

21. State the years during which such information was sent/filed.

With respect to the former Dayton Coca-Cola Bottling Company plant, CCR has not identified any documents or information responsive to this request.

22. List all federal and state environmental laws and regulations under which Respondent has reported to federal or state governments, including but not limited to: Toxic Substances Control Act, 15 U.S.C. Sections 2601 et seq., (TSCA); Emergency Planning and Community Right-to-Know Act, 42 U.S.C. Sections 1101 et seq., (EPCRA); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. Sections 1251 et seq.; Solid Waste and Infectious Waste Regulations, OAC 3745-27 (former rule EP-20); Licenses for Solid Waste, Infectious Waste Treatment, or Construction and Demolition Debris Facilities, OAC 3745-37 (former rule EP-33); Solid and Hazardous Wastes, ORC 3734-01 through 3734-11; Open Burning Standards, OAC 3745-19-03.

With respect to the former Dayton Coca-Cola Bottling Company plant, CCR has not identified any documents or information responsive to this request.

23. Identify the federal and state offices to which such information was sent.

With respect to the former Dayton Coca-Cola Bottling Company plant, CCR has not identified any documents or information responsive to this request.

CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Date: March 25th, 2015



Elizabeth T. Irvin
Environmental Health & Safety
Counsel
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